

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 8641

Amended Petition of Vermont Gas Systems, Inc.)
for authority to condemn easement rights in)
property interests of Claire R. Broughton,)
Individually and as Trustee of the Claire R.)
Broughton Revocable Trust u/t/a dated April 6,)
2012, et al., National Bank of Middlebury, Green)
Mountain Power Corporation, and)
Waitsfield-Fayston Telephone Co., Inc., d/b/a)
Waitsfield Telecom and Champlain Valley)
Telecom at 553 Pond Road in Monkton, Vermont,)
for the purpose of constructing the pipeline)
authorized in Docket 7970)

Order entered: 5/18/2016

ORDER RE: VGS MOTION TO COMPEL

I. INTRODUCTION

On May 13, 2016, Vermont Gas Systems, Inc. (“VGS”), filed a motion for an order compelling discovery from Claire R. Broughton, Individually and as Trustee of the Claire R. Broughton Revocable Trust u/t/a dated April 6, 2012 (the “Trust”), pursuant to Rule 37(a)(2) of the Vermont Rules of Civil Procedure, for the production of certain trust and estate-planning documents sought in discovery (the “VGS Motion”). On May 16, 2016, VGS submitted via e-mail a Proposed Order regarding the VGS Motion. VGS represented that counsel for Ms. Broughton and the Vermont Department of Public Service (“Department”) do not object to the Proposed Order and that there is no agreement among the parties as to the relevance, admissibility, or legal effect of the documents to be produced. In this Order I adopt the Proposed Order, which resolves the VGS Motion.

II. PROCEDURAL HISTORY

The VGS Motion was filed on May 13, 2016.

On May 16, 2016, I issued a Procedural Order establishing a deadline of May 20, 2016, for any comments on the VGS Motion.

The VGS Proposed Order was submitted by e-mail on May 16, 2016.

III. DISCUSSION AND CONCLUSION

In light of the representation that the parties do not object to the Proposed Order, and in order to avoid any further delay in this proceeding, I conclude that it is not necessary to wait for the comment deadline to expire before issuing a decision on the VGS Motion. Further, I conclude that the Proposed Order fully resolves the VGS Motion.

I hereby order (1) counsel for Ms. Broughton to produce to VGS copies of any power of attorney and any Trust documents that he possesses; and (2) the Department¹ and the Board shall receive redacted copies of these documents that do not identify other family members (but shall identify any person named as a Trustee). I further order VGS to keep the contents of the Trust documents confidential. Each party shall bear its own fees and costs in connection with this Order. As between counsel for Ms. Broughton and counsel for VGS, use of the disclosed Trust document information shall be governed by the Order issued April 11, 2016, approving the Protective Agreement.

So ORDERED.

1. Counsel for VGS has represented that the Department has consented to receiving a redacted copy of the Trust documents.

Dated at Montpelier, Vermont, this 18th day of May, 2016.

s/Thomas Knauer

Thomas Knauer
Hearing Officer

OFFICE OF THE CLERK

FILED: May 18, 2016

ATTEST: s/Judith C. Whitney
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@vermont.gov)